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Fifty-fifth session

SUMMARY RECORD OF THE 58th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 April 1999, at 10 a.m.

Chairperson: Ms. ANDERSON (Ireland)

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GE.99-13270 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DRAFT DECISIONS SUBMITTED UNDER AGENDA ITEMS 17 AND 18 (continued)

Draft resolutions and draft decisions submitted under agenda item 17

Draft decision E/CN.4/1999/L.79 (Human rights and the follow-up to the guidelines for the regulation of computerized personal data files)

1. Mr. PETIT (France), introducing draft decision E/CN.4/1999/L.79 on the guidelines for the regulation of computerized personal data files, adopted by General Assembly resolution 45/95, said that since States were progressively taking the applicable guidelines into consideration, the question should be withdrawn from the agenda of future sessions of the Commission. The draft decision also requested the Secretary-General to entrust the competent inspection bodies with the task of ensuring the implementation of the guidelines by the organizations concerned within the United Nations system. He hoped that the draft decision would be adopted by consensus.

2. Draft decision E/CN.4/1999/L.79 was adopted without a vote.

Draft resolution E/CN.4/1999/L.81 (Impunity of perpetrators and violators of economic, social and cultural rights)

3. Mr. REYES RODRÍGUEZ (Cuba), introducing draft resolution E/CN.4/1999/L.81, said that his delegation would have preferred the main points to be incorporated into draft resolution E/CN.4/1999/L.48 on impunity which the Commission had adopted previously. During consultations on the draft, his delegation had pointed out that paragraph 91 of the Vienna Declaration and Programme of Action, which dealt with the work of the Commission on Human Rights and its Sub-Commission regarding impunity of perpetrators of violations of human rights, had drawn no distinction between civil and political rights on the one hand and economic, social and cultural rights on the other; it was time to end the distinction between the two types of rights, which was a hangover from the cold war. It was only because the sponsors of draft resolution E/CN.4/1998/L.48 had been so unaccommodating that Cuba had introduced a draft resolution dealing solely with impunity in the context of economic, social and cultural rights. His delegation had done so because, in many countries, violations of those rights were not covered by legislation and victims therefore had no means of securing redress. Cuba was convinced of the indivisibility of human rights and would do its utmost to ensure that, at the following session, there would be a single draft resolution covering both aspects.

4. His delegation wished to thank all the countries which had sponsored the draft resolution and the many non-governmental organizations (NGOs) which had helped to frame it. In view of the spirit of cooperation which it embodied, his delegation hoped that the draft resolution would be adopted by consensus.

5. He drew the Commission's attention to two revisions in the text. The word "gross" in the last sentence of the fourth preambular paragraph and the phrase "and humanitarian law" at the end of operative paragraph 3 should be

deleted. In addition, as the representative of Mexico had rightly suggested, the words "to the prevention" should be replaced by "for the prevention" in the English version of the same paragraph.

6. Mr. HÖYNCK (Germany), speaking on behalf of the European Union, the Central and Eastern European countries and the associate country of Cyprus, and explaining their vote before the voting, said that draft resolution E/CN.4/1999/L.81 dealt with the important issue of the impunity of perpetrators of human rights violations and the full realization of economic, social and cultural rights in a way that did not meet the concerns of the European Union. The text currently before the Commission seemed to imply that individuals could be held accountable for the failures of States and that States were obliged to hold such individuals responsible. That was not currently the position under international law. As a result, the entire conception of the draft resolution was flawed. Moreover, many of the points which it addressed had already been raised and discussed in the negotiations on draft resolution E/CN.4/1999/L.48 on impunity. Their inclusion in that resolution had been rejected. Finally, the European Union regretted that there had been no open consultations on the draft. A more transparent procedure would have enabled the concerns of the European Union to be taken into account. Accordingly, the European Union would vote against draft resolution E/CN.4/1999/L.81.

7. Ms. BUCK (Canada) said that draft resolution E/CN.4/1999/L.46, which the Commission had adopted by consensus the previous week, aimed to ensure that violators of international human rights standards would be held accountable for their actions. While acknowledging the importance of economic, social and cultural rights, her delegation could not support the draft resolution introduced by Cuba because it confused a number of legal issues raised by violations and violations of economic, social and cultural rights. Canada might have supported the draft resolution if it had been examined at an earlier stage and if some of its provisions had been clarified, but in the event her delegation intended to abstain during the voting.

8. Mr. SUMI (Japan) said that he was in no doubt that the impunity of perpetrators of violations of economic, social and cultural rights was a problem that needed to be confronted. But since consideration of the issue was still at an early stage, his Government did not believe that the time was right to request the Secretary-General to gather information and comments with a view to submitting a report to the Commission. The request made of the mechanisms of the Commission in paragraph 6 of the draft resolution also seemed premature. Japan therefore intended to abstain during the voting.

9. Ms. RUBIN (United States of America) said that her delegation would vote against the draft resolution. Although the progressive implementation of economic, social and cultural rights was an important goal which the United States wholeheartedly endorsed, the failure to achieve that goal should not be associated with reprehensible conduct either in international or domestic law. The draft resolution before the Commission implied that criminal intent was involved in violations of economic, social and cultural rights, yet it provided no details about the nature of those violations or the terms on which the alleged perpetrators enjoyed impunity. Her delegation also believed that the report of Mr. El Hadji Guissé referred to in the draft

resolution was flawed in several respects. For example, it devoted too much attention to various collective rights whereas the work of the Vienna Conference had clearly indicated that the right to development was an individual right and that the individual was the starting point for all rights. The same report had mentioned issues such as corruption and tax evasion. On that point, her Government agreed with the Special Rapporteur's comment that officials who committed such offences were violating the economic, social and cultural rights of their citizens.

10. At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/1999/L.81.

11. Uruguay, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Bangladesh, Bhutan, Cape Verde, China, Congo, Cuba, Ecuador, India, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Pakistan, Qatar, Russian Federation, Rwanda, Senegal, Sudan, Tunisia.

Against: Czech Republic, France, Germany, Italy, Latvia, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Austria, Botswana, Canada, Chile, Colombia, El Salvador, Guatemala, Indonesia, Ireland, Japan, Liberia, Luxembourg, Mozambique, Norway, Peru, Philippines, Republic of Korea, South Africa, Sri Lanka, Uruguay, Venezuela.

12. Draft resolution E/CN.4/1999/L.81 was adopted by 21 votes to 9, with 22 abstentions.

Draft resolution E/CN.4/1999/L.84 (Globalization and its impact on the full enjoyment of all human rights)

13. Mr. SALAMA (Observer for Egypt), introducing draft resolution E/CN.4/1999/L.84 on behalf of its sponsors, said that it was increasingly clear that the effects of globalization were not simply economic but also political, social, environmental, cultural and legal, and as such they had an impact on human rights. No one could currently predict the nature of that impact, and the draft resolution currently before the Commission was designed to raise awareness of the issue and its repercussions. The sponsors had been careful to ensure that the language of the draft resolution did not prejudge the issue.

14. To the legitimate question as to why the Commission should be discussing such an issue, it could be answered that it already dealt with issues such as the impact of science and technology on human rights, and globalization had a direct impact on topics that fell within the Commission's mandate.

15. His delegation did not agree with the argument that the draft resolution had been submitted to the Commission in an attempt to divert attention from

the failings of States. The first paragraph of the draft resolution clearly stated that it was the responsibility of the authorities to promote and protect human rights. But it must be acknowledged that States were not omnipotent. The more that was known about the effects of globalization, the less States would be able to exploit globalization as a justification for human rights violations.

16. Given the importance of the topic and the positive spirit which had characterized the consultations, the sponsors hoped that the draft resolution would be adopted by consensus.

17. Ms. IZE-CHARRIN (Secretary of the Commission) said that Mauritius, South Africa, the Sudan and the United States of America had become sponsors.

18. Mr. PADILLA MENÉNDEZ (Guatemala) said that in view of the harmful effects of globalization on the smooth operation of democracy in developed countries and its repercussions on other rights, including economic, social and cultural rights throughout the world, it was unfortunate that the sponsors of the draft resolution had not opened their consultations to everybody. While acknowledging the importance of the issue, his delegation regretted the lack of any systematic effort to group various topics together, with the resultant proliferation of resolutions. That had imposed a heavier workload on the Commission and overtaxed its meagre resources. Meanwhile, owing to the dissipation of effort within the United Nations system, the Commission would only make headway on the issue of globalization and other topics when it started to coordinate properly with other bodies including the World Bank, the International Monetary Fund (IMF), the United Nations Conference on Trade and Development (UNCTAD) and the regional economic commissions.

19. Mr. HÖYNCK (Germany), explaining the position of the European Union, the Central and Eastern European countries associated with the Union and the associate country of Cyprus on draft resolution E/CN.4/1999/L.84, said that the Commission had already considered certain aspects of globalization in the context of specific human rights. The issue had also been dealt with by a number of independent experts, and the independent expert on the right to development had announced his intention to focus on the impact of globalization in a number of East Asian countries.

20. While acknowledging the implications of globalization for human rights, the European Union perceived several risks in considering it as a separate issue. First, it could be queried whether the Commission had the required competence and expertise to address the issue. Second, globalization might be perceived as an autonomous phenomenon, thereby implying that responsibility for the promotion and protection of human rights no longer rested entirely with States. Finally, the strategy of dealing with globalization as a separate issue might lead to an increase in the number of new issues for consideration, which would overstrain the Commission's resources and distract it from its primary tasks.

21. The European Union regretted its failure to integrate the elements of the draft resolution into existing resolutions, particularly the resolution on the right to development. Nevertheless, owing to the constructive

negotiations which had taken place and the overall assessment of the new issues which had emerged at the current session, the European Union would go along with the emerging consensus.

22. The CHAIRPERSON announced that the United States had withdrawn its proposed amendments to draft resolution E/CN.4/1999/L.84, contained in document E/CN.4/1999/L.100.

23. Mr. LABBE VILLA (Chile) said that his delegation could not agree with the contents of the draft resolution. There was a movement afoot to overextend the Commission's mandate, which could only deflect attention from priority tasks. All kinds of factors could affect the full enjoyment of human rights, and globalization was certainly one such factor. However, the dynamic process of globalization, the advantages of which were apparent to most Latin American countries, was rather a matter for the Second Committee of the General Assembly, the Economic and Social Council, UNCTAD, the World Trade Organization (WTO) and the International Labour Organization (ILO), which had the necessary resources and mandates. While fully respecting the position of the sponsors, Chile regarded the issue as a point of principle and therefore requested that it should be put to a vote. His delegation would vote against the draft resolution.

24. Mr. SUMI (Japan) said that the complex issue of globalization should have been considered under the agenda item dealing with the right to development; Japan would abstain in a vote on the issue.

25. Ms. RUBIN (United States of America) said that her delegation had supported the work of a number of forums on the issue of globalization. However, the topic did not fall within the mandate of the Sub-Commission on Prevention of Discrimination and Protection of Minorities or of the Commission itself, which risked seeing its role diminished if it turned the topic into a subsidiary item on its agenda. The United States would therefore vote against the draft resolution.

26. Mr. HYNES (Canada) said that his delegation would abstain in the vote since it had been impossible to arrive at a sufficiently broad consensus on the issue.

27. Mr. FERNÁNDEZ PALACIOS (Cuba) asked that Cuba should be removed from the list of sponsors in view of the fact that his delegation, which firmly supported the draft resolution, had been unable to respond to the comments which had been made on the text. The sponsors had taken account of all the proposals submitted to them; they rejected the assertion that globalization was not part of the Commission's mandate. The Commission should deal with all factors that affected human rights, and it was unfortunate that Chile, which had not participated in the consultations, should request a vote on the draft resolution.

28. At the request of the representative of India, the vote was taken by roll-call.

29. The Russian Federation, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Cape Verde, China, Congo, Cuba, Ecuador, France, India, Indonesia, Italy, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Philippines, Qatar, Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, Sudan, Tunisia, Venezuela.

Against: Chile, United States of America.

Abstaining: Argentina, Canada, Colombia, Czech Republic, El Salvador, Germany, Guatemala, Ireland, Japan, Latvia, Liberia, Luxembourg, Norway, Peru, Poland, Republic of Korea, Romania, United Kingdom of Great Britain and Northern Ireland, Uruguay.

30. Draft resolution E/CN.4/1999/L.84 was adopted by 30 votes to 2, with 20 abstentions.

Draft resolution E/CN.4/1999/L.85 (Human rights and responsibilities)

31. Mr. ZAHRAN (Observer for Egypt), introducing draft resolution E/CN.4/1999/L.85 on behalf of its sponsors, said that the text was based on article 29 of the Universal Declaration of Human Rights. The notion of human rights and responsibilities did not exempt Governments from their responsibility to protect and promote human rights, but was intended to supplement it. The world had experienced numerous and profound transformations which had led to the emergence of new actors. Those actors, who often wielded enormous power, should assume commensurate responsibilities, particularly in the field of human rights.

32. After a discussion in which Mr. HÖYNCK (Germany) and Mr. ZAHRAN (Observer for Egypt) took part, the CHAIRPERSON suggested that a vote on the draft resolution should be postponed to enable it to be adopted by consensus.

33. It was so decided.

Draft resolution E/CN.4/1999/L.88 (Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights)

34. Mr. MORENO (Italy), introducing draft resolution E/CN.4/1999/L.88 on behalf of its sponsors, said that ongoing activities to improve public awareness in general and the awareness of target groups in particular was essential to the achievement of respect for human rights. The development of public information activities should be accompanied and backed up by specific educational efforts. Information, education and training were all complementary; it was on the basis of the combination and development of those elements that a genuine process of promoting and protecting human rights could be set in motion.

35. The draft resolution was biennial and harked back to resolution 1997/41 which had been adopted without a vote at the fifty-third session. Since the draft resolution was general in scope, he trusted that it would be adopted by consensus.

36. Ms. IZE-CHARRIN (Secretary of the Commission) said that Germany, Ireland, Madagascar, the Russian Federation and Venezuela had become sponsors.

37. Draft resolution E/CN.4/1999/L.88 was adopted without a vote.

Draft resolution E/CN.4/1999/L.91 (Question of the death penalty)

38. Mr. HÖYNCK (Germany), introducing draft resolution E/CN.4/1999/L.91 on behalf of its sponsors, said that it was the view of the European Union that the death penalty violated the fundamental right to life as enshrined in article 3 of the Universal Declaration of Human Rights. The European Union did not wish to pass value judgements or stigmatize anyone; it had based its view on the following considerations: the impossibility of completely excluding judicial error and the irreversibility of the death penalty; the fact that the vast majority of persons put to death were underprivileged; and the speciousness of the argument that the threat, imposition and administration of the death penalty deterred criminals more effectively than other penalties and thus reduced the incidence of violent crime.

39. Following an Italian initiative, the European Union had therefore introduced draft resolution E/CN.4/1999/L.91 which called upon all States that still maintained the death penalty progressively to restrict the number of offences for which the death penalty could be imposed, to establish a moratorium on executions, and to observe international minimum standards.

40. Some new elements included in the draft were the appeal not to impose the death penalty on persons below 18 years of age or pregnant women, and the request to States which had received a request for extradition on a capital charge to reserve explicitly the right to refuse extradition in the absence of effective assurances from the relevant authorities of the requesting State that capital punishment would not be carried out.

41. The European Union had noted with concern that certain States had summarily convicted and executed persons when, in cases where the death penalty still existed, capital punishment should only have been carried out pursuant to the judgement of a competent, impartial and independent court, and the right of appeal and the right to petition for pardon or commutation of the sentence should have been guaranteed in all circumstances.

42. Calling for observance of the standards enshrined in the relevant international instruments, the European Union believed that the abolition of the death penalty would help to strengthen human dignity and progressively develop human rights.

43. Ms. IZE-CHARRIN (Secretary of the Commission) said that Mauritius and the Republic of Moldova had become sponsors.

44. Mr. MORENO (Italy) noted with satisfaction that his delegation's efforts had resulted in a common European Union position and thanked all delegations which had participated in the consultations, particularly those which had demonstrated clear sightedness in agreeing to include a paragraph on extradition. The draft resolution clearly showed that international relations were developing positively towards the complete abolition of the death penalty.

45. Mr. LAGOS PIZZATI (El Salvador) welcomed the very positive initiative which had resulted in the draft resolution and said that his Government had undertaken a reform of the Salvadoran Constitution which henceforth recognized the right to life from the moment of conception. His delegation wished to join the sponsors of the draft resolution.

46. Mr. SINGH (India) regretted that, as in the past, the debate on the topic had lacked transparency. It was clear that the international community had not yet reached a consensus on the issue of capital punishment. While excessive recourse to the death penalty was a matter of concern, it had to be recognized that its abolition could only be achieved gradually.

47. India supported some of the elements in the draft resolution, particularly the fact that the death penalty should be applied only for the most serious crimes in conformity with the law and international human rights standards. In India, the death penalty was only applied for extremely heinous crimes; capital punishment was the exception rather than the rule. Death sentences had to be confirmed by a superior court and the accused had the right to appeal to the High Court or the Supreme Court. Furthermore, pregnant women and minors could not be sentenced to death.

48. India had abstained in the vote on similar resolutions at the previous two sessions of the Commission. Regrettably, the draft resolution introduced at the current session contained new restrictions on the prerogatives of States which still maintained the death penalty. In particular, the fact that States were requested to stay execution for the duration of related legal proceedings at international level was unacceptable because the only procedures which could apply were those provided for under domestic State legislation. The restrictions imposed by the draft resolution on the extradition of persons to States where capital punishment existed could set a dangerous precedent because criminals might take refuge in States which had abolished the death penalty. India believed that persons should be tried in the State where the crime was committed, whereas the draft resolution proposed that the prerogative should be transferred to the authorities of the State harbouring the criminal.

49. Ms. RUBIN (United States of America) requested that draft resolution E/CN.4/1999/L.91 should be put to a vote. The United States would vote against the draft resolution because it believed that the death penalty violated neither international law nor any of the treaties to which the United States was a party. The laws of the United States provided safeguards for protecting the rights of persons facing the death penalty, who had a number of appeal procedures available to them. Nationwide, 38 states had introduced the death penalty and 12 had abolished it. In all cases, the death penalty was only imposed for the most heinous crimes.

50. While acknowledging that a number of states had abolished the death penalty, her Government pointed out that the majority of Americans were in favour of keeping capital punishment.

51. Mr. SINGH (India) requested that a separate roll-call vote should be taken on operative paragraphs 3 (f), 4 (b) and 5 of the draft resolution.

52. Mr. HÖYNCK (Germany) said that, while he understood the position of the representative of India, the paragraphs referred to had been drafted very carefully. Besides, the passages in question were certainly not an attempt to undermine State sovereignty. Germany would vote for the retention of the three paragraphs.

53. At the request of the representative of India, a vote was taken by roll-call on operative paragraphs 3 (f), 4 (b) and 5 of draft resolution E/CN.4/1999/L.91.

54. The Republic of Korea, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Latvia, Luxembourg, Mauritius, Mexico, Nepal, Norway, Peru, Poland, Romania, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: Bangladesh, Botswana, China, Cuba, India, Japan, Morocco, Pakistan, Qatar, Republic of Korea, Rwanda, Sudan, United States of America.

Abstaining: Bhutan, Congo, Democratic Republic of the Congo, Guatemala, Indonesia, Liberia, Madagascar, Mozambique, Niger, Philippines, Senegal, Sri Lanka, Tunisia.

55. Operative paragraphs 3 (f), 4 (b) and 5 of draft resolution E/CN.4/1999/L.91 were retained by 27 votes to 13, with 13 abstentions.

Explanations of vote before the vote on draft resolution E/CN.4/1999/L.91 as a whole.

56. Mr. LEPATAN (Philippines) said that the Philippines respected the right of all countries to state their views on the applicability or otherwise of the death penalty and consequently his delegation would abstain in the vote. Moreover, it was clear that the international community had failed to reach consensus on the abolition of the death penalty at the present time.

57. The Constitution of the Philippines prescribed the death penalty only for particularly serious crimes. There were currently no plans to abolish it or to impose a moratorium on its use.

58. Mr. MOPJANE (Tunisia) said that for practical purposes the death penalty no longer existed in Tunisia. It was only imposed in extremely rare cases and had not been used since 1992. In order to conform to domestic legislation and practice, his delegation would abstain in the vote.

59. Mr. SINGYE (Bhutan) said that Bhutan did not oppose the abolition of the death penalty, yet it could not support a draft resolution which affected the sovereignty of States in the matter.

60. At the request of the representative of Rwanda, a vote was taken by roll call on draft resolution E/CN.4/1999/L.91 as a whole.

61. Ireland, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Canada, Cape Verde, Chile, Colombia, Congo, Czech Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Latvia, Luxembourg, Mauritius, Mexico, Mozambique, Nepal, Niger, Norway, Peru, Poland, Romania, Russian Federation, South Africa, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: Bangladesh, Botswana, China, Indonesia, Japan, Pakistan, Qatar, Republic of Korea, Rwanda, Sudan, United States of America.

Abstaining: Bhutan, Cuba, Democratic Republic of the Congo, Guatemala, India, Liberia, Madagascar, Morocco, Philippines, Senegal, Sri Lanka, Tunisia.

62. Draft resolution E/CN.4/1999/L.91 was adopted by 30 votes to 11, with 12 abstentions.

Draft resolution E/CN.4/1999/L.94 (Towards a culture of peace)

63. Mr. LAGOS PIZZATI (El Salvador), introducing draft resolution E/CN.4/1999/L.94 on behalf of the 53 sponsors, said that its purpose was to recall the initiatives taken by civil society with a view to proclaiming the year 2000 as the International Year for the Culture of Peace and inviting States to promote values such as respect for human rights, democracy, non-violence, solidarity, tolerance and dialogue between cultures.

64. The draft resolution stressed that the international community had a responsibility to contribute to strengthening the culture of peace and requested the Office of the High Commissioner for Human Rights to prepare a report on the contribution of the promotion and protection of human rights to the further development of a culture of peace.

65. Recalling that open consultations had served to enhance the text, his delegation hoped that it would be adopted by consensus.

66. Ms. IZE-CHARRIN (Secretary of the Commission) said that Albania, Angola, Bosnia and Herzegovina, Israel and Mauritius had become sponsors.

67. Draft resolution E/CN.4/1999/L.94 was adopted without a vote.

Draft resolution E/CN.4/1999/L.95 (Human rights and bioethics)

68. Ms. IZE-CHARRIN (Secretary of the Commission) said that the English version of the draft resolution, which had originally been submitted in French, was incomplete. Operative paragraph 8, which appeared in the French and Spanish versions, should be added. (Paragraph 8 "requests the Secretary-General to prepare a report on the basis of these contributions for consideration by the Commission at its fifty-seventh session".)

69. Mr. PETIT (France), introducing draft resolution E/CN.4/1999/L.95, said that the life sciences and bioethnics-related technologies had developed spectacularly in recent years; such development had justifiably raised and continued to raise novel ethical questions. The importance and sensitivity of the issues associated with the development of the life sciences and the complexity of their application would loom ever larger in the years to come. They should neither be feared nor ignored.

70. A number of international bodies were already examining the topic; the purpose of the draft resolution before the Commission was not to duplicate what was being done elsewhere, particularly in the International Bioethics Committee, but to contribute to an informed discussion by the Commission in order to ensure that the human dimension remained at the heart of the debate.

71. The current draft resolution had been updated to take account of recent developments since the adoption of General Assembly resolution 53/152 endorsing the Universal Declaration on the Human Genome and Human Rights adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The text invited the relevant United Nations agencies to take account of the principles contained in the Declaration and stressed the need to coordinate effectively the work of the various United Nations bodies and agencies in the field of bioethics. It also requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider what contribution it could make to the work of the International Bioethics Committee. France and the other sponsors hoped that, once again the draft resolution would be adopted by consensus.

72. Ms. IZE-CHARRIN (Secretary of the Commission) said that Albania, Bangladesh, Ecuador, Finland, Israel, Monaco, Portugal and Uruguay had become sponsors.

73. Draft resolution E/CN.4/1999/L.95 was adopted without a vote.

Draft resolution E/CN.4/1999/L.96 (United Nations Decade for Human Rights Education)

74. Mr. GUILLERMET (Observer for Costa Rica), introducing draft resolution E/CN.4/1999/L.96, said that it was based on General Assembly resolution 49/184 proclaiming the United Nations Decade for Human Rights Education. The draft resolution reaffirmed the mandate of the Office of the High Commissioner for Human Rights regarding the coordination of United Nations programmes for human rights education and publicity.

75. Two revisions should be noted. In operative paragraph 9, the word "urges" should be replaced by the word "encourages". In operative paragraph 11, the phrase "especially the United Nations Educational, Scientific and Cultural Organization" should be inserted after the phrase "specialized agencies".

76. His delegation was convinced of the need to promote human rights education and hoped that a number of activities would be initiated within the framework of the Decade. His delegation also trusted that the draft resolution would be adopted without a vote.

77. Ms. IZE-CHARRIN (Secretary of the Commission) said that Australia, Austria, Congo, Finland, Israel, Norway, the Russian Federation, Slovakia and Ukraine had become sponsors.

78. Mr. COMBA (Office of the High Commissioner for Human Rights) said that the "Assisting Communities together" project, which was being implemented by the Office of the High Commissioner for Human Rights, was currently funded from extra-budgetary resources. No provision had been made for its implementation within the regular budget of the Organization. Consequently, the continuation of the project depended on contributions specially allocated for that purpose.

79. Draft resolution E/CN.4/1999/L.96, as orally revised, was adopted without a vote.

Draft resolution E/CN.4/1999/L.97 (Fundamental standards of humanity)

80. Mr. WILLE (Norway), introducing draft resolution E/CN.4/1999/L.97, said that its purpose was to invite Governments, United Nations bodies, human rights treaty bodies, the mechanisms of the Commission and intergovernmental and non-governmental organizations to provide comments on the report of the Secretary-General on fundamental standards of humanity (E/CN.4/1999/92). The draft resolution also requested the Secretary-General to submit a report to the Commission at its next session detailing the comments received and relevant new developments.

81. His delegation proposed that operative paragraph 1 of the draft resolution should be deleted since it merely repeated the first paragraph of the Commission's resolutions of 1997 and 1998 on the same topic. Given that the issue had been on the Commission's agenda since 1995, he hoped that the draft resolution would be adopted without a vote, as in the past.

82. Ms. IZE-CHARRIN (Secretary of the Commission) said that Argentina, Ireland and Italy had become sponsors.

83. Mr. DE ICAZA (Mexico) said that, in light of the revision which had just been made by the representative of Norway, his delegation would join the list of sponsors, as it had done in the past.

84. Draft resolution E/CN.4/1999/L.97, as orally revised, was adopted without a vote.

Draft resolution E/CN.4/1999/L.98 (Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms)

85. Mr. WILLE (Norway), introducing draft resolution E/CN.4/1999/L.98, on behalf of its sponsors highlighted its main points and said that he hoped it would be adopted by consensus.

86. Ms. IZE-CHARRIN (Secretary of the Commission) said that Argentina and the Republic of Korea had become sponsors.

87. Mr. ALFONSO MARTÍNEZ (Cuba) said that his delegation would join the consensus but warned against privatizing the protection and promotion of human rights as part of the general wave of privatization that was sweeping the world. The issue should remain firmly in the public domain. Moreover, in preparing the report requested in paragraph 3 of the draft resolution, the Secretary-General should take account of the need to avoid a proliferation of special mechanisms. The establishment of a mechanism specifically responsible for human rights defenders would be contrary to the spirit of the Vienna Conference and would involve duplication to the extent that the efforts of such defenders were already being considered by various special rapporteurs, working groups and other mechanisms.

88. Draft resolution E/CN.4/1999/L.98 was adopted by consensus.

Draft resolution E/CN.4/1999/L.99 (Convention on the Prevention and Punishment of the Crime of Genocide)

89. Mr. NAZARIAN (Observer for Armenia), introducing draft resolution E/CN.4/1999/L.99 on behalf of its sponsors, said that it referred to the international instruments relating to genocide and recalled General Assembly resolution 53/43 and Commission on Human Rights resolution 1998/10 on the commemoration of the fiftieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide. It also stressed the importance of implementing the Convention and adopting the Statute of the International Criminal Court. The Office of the High Commissioner for Human Rights and the Commission could contribute effectively to the prevention of genocide, which had already caused immense suffering for humanity and claimed millions of innocent victims, and the international community should recommit itself to eliminating genocide completely. The draft resolution before the Commission was basically humanitarian in nature; it had received the support of a number of delegations from various regional groups and his delegation trusted that it would be adopted by consensus.

90. Ms. IZE-CHARRIN (Secretary of the Commission) said that Albania, Argentina, Belarus, Côte d'Ivoire, Cyprus, the Dominican Republic, Israel, Mongolia, Nigeria, Uganda, Ukraine, Uruguay and Venezuela had become sponsors.

91. Mr. AKRAM (Pakistan) regretted that the draft resolution had omitted to mention the genocide which had occurred in the Great Lakes region of Africa, Bosnia and Herzegovina, and Kosovo. Accordingly, the draft resolution should be put to a vote.

92. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation would vote in favour of the draft resolution but did not see the need to reconsider the topic every year.

93. At the request of the representative of the Russian Federation, a vote was taken by roll-call on draft resolution E/CN.4/1999/L.99.

94. Pakistan, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Austria, Bangladesh, Bhutan, Botswana, Canada, Cape Verde, Chile, China, Colombia, Congo, Cuba, Czech Republic, Democratic Republic of the Congo, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Ireland, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Norway, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Rwanda, Senegal, South Africa, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Pakistan, Qatar, Romania, Sri Lanka, Sudan.

95. Draft resolution E/CN.4/1999/L.99 was adopted by 48 votes to none, with 5 abstentions.

Draft resolution E/CN.4/1999/L.61 (Enhancement of international cooperation in the field of human rights)

96. Mr. MONTWEDI (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries (NAM) and China, requested that, as at the three previous sessions, it should be adopted by consensus.

97. Ms. IZE-CHARRIN (Secretary of the Commission) said that Costa Rica had become a sponsor.

98. Draft resolution E/CN.4/1999/L.61 was adopted without a vote.

Explanations of vote after the decisions taken on draft resolutions under agenda item 17

99. Mr. WIRAJUDA (Indonesia) read out a joint declaration by a number of States on the question of the death penalty. Those States wished to dissociate themselves from draft resolution E/CN.4/1999/L.91 because there was no international consensus that capital punishment should be abolished. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights stipulated that "sentence of death may be imposed only for the most serious crimes". Second, the right to life of persons facing the death

penalty had to be weighed against the rights of victims and the right of the community to live in peace and security. Third, the issue of whether to abolish the death penalty should be carefully studied by each State, taking full account of the sentiments of its population and the development of national crime policy. It was inappropriate to take a universal decision on the issue or to propose such an approach within the forum of an international organization.

100. Mr. PLORUTTI (Argentina) referring to the draft resolution on human rights and bioethics (E/CN.4/1999/L.95) which had just been adopted and which his delegation supported, said that the Universal Declaration on the Human Genome and Human Rights adopted by UNESCO in 1997, far from closing the debate, was a starting point for thinking about the issues that still needed to be defined. The Declaration would be even more significant inasmuch as scientific and technical changes would be subject to ethical supervision. His delegation thanked the French delegation for its untiring efforts to seek a consensus, which had resulted in the adoption of draft resolution E/CN.4/1999/L.95.

101. Mr. CHOWDHURY (Bangladesh) said that his delegation had voted against the draft resolution on the death penalty because capital punishment was permitted under the law of Bangladesh, even though it was rarely imposed and only then for the most heinous crimes, including crimes against women. He hoped that Bangladesh would one day be in a position to vote in favour of such a draft.

Draft resolutions submitted under agenda item 18

Draft resolution E/CN.4/1999/L.75 (Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region)

102. Mr. SINGH (India), introducing the draft resolution on behalf of its sponsors, said that it was essentially based on the progress achieved in implementing the framework regional programme, in particular the conclusions and recommendations of the Seventh Workshop on Regional Arrangements for the Promotion and Protection of Human Rights in the Asian and Pacific Region held in New Delhi in February 1999. Three minor revisions needed to be flagged. At the end of paragraph 3, the words "in the Asian and Pacific Region" should be added. In paragraph 5, "reiterates" should be replaced by "recognizes". And in paragraph 6, the word "also" should be added after the word "recognizes". His delegation hoped that the draft resolution would be adopted by consensus.

103. Draft resolution E/CN.4/1999/L.75, as orally revised, was adopted without a vote.

Draft resolution E/CN.4/1999/L.78 (Composition of the staff of the Office of the United Nations High Commissioner for Human Rights)

104. Mr. REYES RODRIGUEZ (Cuba), introducing draft resolution E/CN.4/1999/L.78 on behalf of its numerous sponsors, recalled that the Commission had reaffirmed that the need to employ staff with the highest standards of efficiency, competence and integrity was compatible with the

principle of equitable geographical distribution. However, the High Commissioner's report on the geographical composition of the Office staff (E/CN.4/1999/97) had clearly shown that the Western European and Other States Group was unequivocally over-represented. The High Commissioner, who had expressed her willingness to ensure a good geographical balance, was therefore encouraged to take measures to rectify the alarming situation. The fact the Deputy High Commissioner was from the Latin American and Caribbean region would, it was hoped, have some impact on the composition of the rest of the staff. The regional, historical and other characteristics of individuals necessarily had an effect on the way they approached their work. Although human rights were universal, the essential basis of universality was diversity. Diversity and equitable geographical representation would ensure the smooth functioning of the Office of the High Commissioner. His delegation hoped that the draft resolution would receive widespread support.

105. Ms. IZE-CHARRIN (Secretary of the Commission) said that Malaysia and Turkey had become sponsors.

106. Mr. SCHAEFER (Germany), speaking on behalf of the European Union, requested that the draft resolution be put to a vote. Contrary to the principle of transparency so frequently invoked by the representative of Cuba, no open consultations regarding the draft resolution had been organized which would have enabled the European Union to voice its concerns.

107. Mr. HYNES (Canada) regretted that the introduction of a draft resolution on the composition of the staff had become a sort of annual ritual. Not only was the substance of the draft resolution questionable, but the issue which it raised had nothing to do with the Commission's mandate. Article 101 of the Charter clearly stated that the appointment of staff was the exclusive prerogative of the Secretary-General. Canada firmly supported the efforts of the Secretary-General and the High Commissioner to ensure that the Office of the High Commissioner was able to carry out its functions by employing staff with the highest degree of professionalism and on the basis of respect for the principles enshrined in the Charter and universal human rights instruments. His delegation would vote against the draft resolution and urged other States to do likewise.

108. Mr. LOFTIS (United States of America) said that his delegation would also vote against the draft resolution because it called for the urgent adoption of specific and immediate measures to modify the present geographical balance of the staff of the High Commissioner's Office, in direct violation of Article 101 of the Charter. The United States had no doubt that the High Commissioner was prepared to recruit qualified and experienced candidates from all geographical regions. But it would resolutely oppose any pressure designed to force the High Commissioner to recruit individuals regardless of their qualifications simply because they came from a particular region. The same principle applied to the recruitment of Junior Professional Officers. His delegation was utterly opposed to the establishment of the permanent mechanism referred to in paragraph 6 of the draft resolution and unreservedly associated itself with the statement made by the representative of Canada.

109. Mr. SALINAS RIVERA (Chile) regretted that his delegation was not in a position to support the draft resolution owing to certain phrases in it which constituted an implicit and unacceptable criticism of the management and recruitment policy of the Office of the High Commissioner.

110. Mr. PETIT (France) said that his delegation would vote against the draft resolution, which appeared to question the objectivity and impartiality of the Office of the High Commissioner.

111. A vote was taken by roll-call on draft resolution E/CN.4/1999/L.78.

112. Guatemala, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Bangladesh, Bhutan, Botswana, Cape Verde, China, Colombia, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Mozambique, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Senegal, Sri Lanka, Sudan, Tunisia, Uruguay, Venezuela.

Against: Austria, Canada, Chile, Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Liberia, Russian Federation, South Africa.

113. Draft resolution E/CN.4/1999/L.78 was adopted by 34 votes to 16, with 3 abstentions.

The meeting rose at 1 p.m.